

June 30, 1967, 81 Stat. 105; Pub. L. 92-129, title I, §104, Sept. 28, 1971, 85 Stat. 355; Pub. L. 93-64, title II, §203, July 9, 1973, 87 Stat. 149; Pub. L. 95-114, §3, Sept. 30, 1977, 91 Stat. 1046; Pub. L. 95-485, title VIII, §801(b), Oct. 20, 1978, 92 Stat. 1619; Pub. L. 96-284, §4(c), June 28, 1980, 94 Stat. 591; Pub. L. 100-26, §8(d)(3), Apr. 21, 1987, 101 Stat. 285; Pub. L. 100-180, div. A, title XII, §1232, Dec. 4, 1987, 101 Stat. 1161; Pub. L. 102-25, title VII, §702(b)(2), Apr. 6, 1991, 105 Stat. 117; Pub. L. 106-65, div. A, title VI, §616(a), Oct. 5, 1999, 113 Stat. 652; Pub. L. 106-398, §1 [[div. A], title VI, §629], Oct. 30, 2000, 114 Stat. 1654, 1654A-155.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
303(a)	37:234(b) (less 1st proviso, as applicable to veterinarians).	Oct. 12, 1949, ch. 681, §203(b) (as applicable to veterinarians), (c), 63 Stat. 809; June 25, 1952, ch. 459, §1, 66 Stat. 156; June 29, 1953, ch. 158, §8 (as applicable to veterinarians), 67 Stat. 89; June 30, 1955, ch. 250, §203, 69 Stat. 225; Apr. 30, 1956, ch. 223, §5, 70 Stat. 122; Mar. 23, 1959, Pub. L. 86-4, §5, 73 Stat. 13.
303(b)	37:234(b) (1st proviso, as applicable to veterinarians).	

In subsection (a), clause (1) is substituted for section 234(c)(1), (2), and (3) of existing title 37. The words “of the Regular Army” and “of the Regular Air Force” are inserted in clauses (1)(A) and (B), respectively, since in contradistinction to section 234(c)(4) of existing title 37, their source was intended to apply only to regular officers. Clauses (2)(A) and (B) are substituted for the enumeration of categories in section 234(c)(4) of existing title 37 to reflect current usage and designations of those categories. Clause (3) is substituted for section 234(c)(5) and (6) of existing title 37. Section 234(b) (2d proviso) of existing title 37 is omitted as obsolete. Section 234(b) (last proviso) of existing title 37 is omitted as inapplicable to veterinarians.

In subsection (b), the words “disability retirement pay” are omitted as covered by the words “retired pay”.

AMENDMENTS

2000—Subsec. (a)(1)(B). Pub. L. 106-398, §1 [[div. A], title VI, §629(1)], substituted “who is an officer in the Biomedical Sciences Corps and holds a degree in veterinary medicine” for “who is designated as a veterinary officer”.

Subsec. (a)(2)(B). Pub. L. 106-398, §1 [[div. A], title VI, §629(2)], added subpar. (B) and struck out former subpar. (B) which read as follows: “of a Reserve component of the Air Force, of the Army or the Air Force without specification of component, or of the National Guard, who is designated as a veterinary officer of the Army or the Air Force, as the case may be; or”.

1999—Pub. L. 106-65 designated existing provisions as subsec. (a), inserted subsec. heading, and added subsec. (b).

1991—Par. (3). Pub. L. 102-25 struck out “of this subsection” after “clause (1) or (2)”.

1987—Pub. L. 100-180 substituted semicolon for comma at end of par. (2)(A) and “; or” for “, or” at end of par. (2)(B).

Pub. L. 100-26 substituted “A” for “a” at beginning of pars. (1) to (3), semicolon for comma at end of par. (1)(A), “; or” for “, or” at end of par. (1)(B), period for semicolon at end of par. (1)(C), and period for “; and” at end of par. (2); and directed substitution of semicolon for comma at end of par. (1)(B) which could not be executed because no comma appeared at end of par. (1)(B).

1980—Pub. L. 96-284 substituted “Each” for “(a) In addition to any other basic pay, special pay, incentive pay or allowance to which he is entitled, each”, struck out “beginning on or after October 1, 1977” after “active duty”, struck out subsec. (b) which prohibited inclusion of active duty monthly special pay in computation of amount of increase in pay authorized in any other provision of this title or in computation of retired pay or severance pay, and struck out subsec. (c) which provided that no special pay be paid for any month after September 1980.

1978—Subsec. (c). Pub. L. 95-485 substituted “September 1980” for “September 1978”.

1977—Subsec. (a). Pub. L. 95-114 amended subsec. (a) to provide for the reinstatement of special pay provisions for veterinarians for each month on active duty beginning on or after Oct. 1, 1977.

Subsecs. (b), (c). Pub. L. 95-114 reenacted subsec. (b) without change and added subsec. (c).

1973—Subsec. (a). Pub. L. 93-64 substituted “July 1, 1975” for “July 1, 1973” wherever appearing.

1971—Subsec. (a). Pub. L. 92-129 substituted “July 1, 1973” for “July 1, 1971” wherever appearing.

1967—Subsec. (a). Pub. L. 90-40 substituted “July 1, 1971” for “July 1, 1967” wherever appearing.

1963—Subsec. (a). Pub. L. 88-2 substituted “July 1, 1967” for “July 1, 1963” wherever appearing.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-65, div. A, title VI, §616(b), Oct. 5, 1999, 113 Stat. 652, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1999, and shall apply with respect to months beginning on and after that date.”

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-114 effective Oct. 1, 1977, see section 4 of Pub. L. 95-114, set out as a note under section 302a of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-64 effective July 1, 1973, see section 206 of Pub. L. 93-64, set out as a note under section 401 of this title.

§ 303a. Special pay: general provisions

(a) The Secretary of Defense, with respect to the Army, Navy, and Air Force, and the Secretary of Health and Human Services, with respect to the Public Health Service, shall prescribe regulations for the administration of sections 301d, 302 through 302j, and 303 of this title.

(b)(1) Except as provided in paragraph (2) or as otherwise provided under a provision of this chapter, a commissioned officer in the Regular or Reserve Corps of the Public Health Service is entitled to special pay under a provision of this chapter in the same amounts, and under the same terms and conditions, as a commissioned officer of the armed forces is entitled to special pay under that provision.

(2) A commissioned medical officer in the Regular or Reserve Corps of the Public Health Service (other than an officer serving in the Indian Health Service) may not receive additional special pay under section 302(a)(4) of this title for any period during which the officer is providing obligated service under the following provisions of law:

(A) Section 338B of the Public Health Service Act (42 U.S.C. 254l-1).

(B) Section 225(e) of the Public Health Service Act, as that section was in effect before October 1, 1977.

(C) Section 752 of the Public Health Service Act, as that section was in effect between October 1, 1977, and August 13, 1981.

(c) Special pay authorized under sections 301d, 302 through 302j, and 303 of this title is in addition to any other pay or allowance to which an officer is entitled. The amount of special pay to which an officer is entitled under any of such sections may not be included in computing the amount of any increase in pay authorized by any other provision of this title or in computing retired pay, separation pay, severance pay, or readjustment pay.

(d) The Secretary of Defense shall conduct a review every two years of the special pay for health professionals authorized by sections 301d, 302 through 302j, and 303 of this title.

(e) REPAYMENT OF UNEARNED PORTION OF BONUSES AND OTHER BENEFITS WHEN CONDITIONS OF PAYMENT NOT MET.—(1) A member of the uniformed services who receives a bonus or similar benefit and whose receipt of the bonus or similar benefit is subject to the condition that the member continue to satisfy certain eligibility requirements shall repay to the United States an amount equal to the unearned portion of the bonus or similar benefit if the member fails to satisfy the requirements, except in certain circumstances authorized by the Secretary concerned.

(2) The Secretary concerned may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted. The Secretary concerned may specify in the regulations the conditions under which an installment payment of a bonus or similar benefit to be paid to a member of the uniformed services will not be made if the member no longer satisfies the eligibility requirements for the bonus or similar benefit. For the military departments, this subsection shall be administered under regulations prescribed by the Secretary of Defense.

(3) An obligation to repay the United States under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after—

(A) the date of the termination of the agreement or contract on which the debt is based; or

(B) in the absence of such an agreement or contract, the date of the termination of the service on which the debt is based.

(4) In this subsection:

(A) The term “bonus or similar benefit” means a bonus, incentive pay, special pay, or similar payment, or an educational benefit or stipend, paid to a member of the uniformed services under a provision of law that refers to the repayment requirements of this subsection.

(B) The term “service”, as used in paragraph (3)(B), refers to an obligation willingly undertaken by a member of the uniformed services, in exchange for a bonus or similar benefit of-

ferred by the Secretary of Defense or the Secretary concerned—

(i) to remain on active duty or in an active status in a reserve component;

(ii) to perform duty in a specified skill, with or without a specified qualification or credential;

(iii) to perform duty at a specified location; or

(iv) to perform duty for a specified period of time.

(Added Pub. L. 96-284, §5(a), June 28, 1980, 94 Stat. 592; amended Pub. L. 96-513, title V, §506(6), Dec. 12, 1980, 94 Stat. 2919; Pub. L. 100-140, §2(b)(1), Oct. 26, 1987, 101 Stat. 831; Pub. L. 101-189, div. A, title VII, §§705(b), 706(b), Nov. 29, 1989, 103 Stat. 1472, 1473; Pub. L. 101-510, div. A, title VI, §611(d), title XIII, §1322(c)(2), title XIV, §1484(c)(1), Nov. 5, 1990, 104 Stat. 1577, 1672, 1716; Pub. L. 102-484, div. A, title X, §1054(a)(3), Oct. 23, 1992, 106 Stat. 2502; Pub. L. 104-106, div. A, title VI, §614(b), Feb. 10, 1996, 110 Stat. 361; Pub. L. 104-201, div. A, title VI, §615(c)(3), Sept. 23, 1996, 110 Stat. 2546; Pub. L. 106-398, §1 [[div. A], title VI, §§628(b), 634(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-155, 1654A-159; Pub. L. 109-163, div. A, title VI, §687(a)(1), (e)(1), Jan. 6, 2006, 119 Stat. 3326, 3336.)

REFERENCES IN TEXT

Section 225(e) of the Public Health Service Act, as that section was in effect before October 1, 1977, referred to in subsec. (b)(2)(B), is section 225(e) of act July 1, 1944, ch. 373, which was classified to section 234(e) of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 94-484, title IV, §408(b)(1), Oct. 12, 1976, 90 Stat. 2281, effective Oct. 1, 1977.

Section 752 of the Public Health Service Act, as that section was in effect between October 1, 1977, and August 13, 1981, referred to in subsec. (b)(2)(C), is section 752 of act July 1, 1944, ch. 373, title VII, as added Pub. L. 94-484, title IV, §408(b)(1), Oct. 12, 1976, 90 Stat. 2284; amended Pub. L. 95-626, title I, §113(b), Nov. 10, 1978, 92 Stat. 3563; Pub. L. 96-76, title II, §202(a), (b), Sept. 29, 1979, 93 Stat. 582, which was classified to section 294u of Title 42, The Public Health and Welfare. Section 752 was renumbered section 338B of act July 1, 1944, and amended, by Pub. L. 97-35, title XXVII, §2709(a), (c), Aug. 13, 1981, 95 Stat. 908, 909. It was subsequently renumbered section 338C of act July 1, 1944, and further amended, and is now classified to section 254m of Title 42.

AMENDMENTS

2006—Pub. L. 109-163, §687(e)(1), substituted “Special pay: general provisions” for “Special pay: health professionals; general provisions” in section catchline.

Subsec. (e). Pub. L. 109-163, §687(a)(1), added subsec. (e).

2000—Pub. L. 106-398, §1 [[div. A], title VI, §628(b)], substituted “302j” for “302h” wherever appearing.

Subsecs. (b) to (d). Pub. L. 106-398, §1 [[div. A], title VI, §634(a)], added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1996—Pub. L. 104-201 substituted “302h” for “302g” wherever appearing.

Pub. L. 104-106 substituted “302 through 302g,” for “302, 302a, 302b, 302c, 302d, 302e,” wherever appearing.

1992—Subsec. (b). Pub. L. 102-484 struck out “301d,” after “such sections”.

1990—Subsec. (a). Pub. L. 101-510, §§611(d), 1484(c)(1), inserted “301d,” after “sections” and substituted “and 303” for “303, and 311”.

Subsec. (b). Pub. L. 101-510, §611(d), inserted “301d,” after “sections” wherever appearing.

Subsec. (c). Pub. L. 101-510, §§611(d), 1322(c)(2), 1484(c)(1), inserted “301d,” after “sections”, substituted “and 303” for “303, and 311”, and struck out at end “A report shall be submitted to the Congress not later than September 30, 1982, of the results of the first such review, and a report shall be submitted to the Congress not later than September 30 of each second year thereafter on the results of the review for the preceding two-year period.”

1989—Pub. L. 101-189 inserted “302d, 302e,” after “302c,” wherever appearing.

1987—Pub. L. 100-140 inserted “302c,” after “302b,” wherever appearing.

1980—Subsec. (a). Pub. L. 96-513, §506(6)(A), struck out reference to sections 302c and 313 of this title.

Subsec. (b). Pub. L. 96-513, §506(6)(B), (C), struck out reference to section 302c of this title and inserted reference to separation pay.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-163, div. A, title VI, §687(a)(2), Jan. 6, 2006, 119 Stat. 3327, as amended by Pub. L. 109-364, div. A, title X, §1071(e)(6), Oct. 17, 2006, 120 Stat. 2401, provided that: “In the case of a provision of law amended by subsection (b), (c), or (d) of this section [amending sections 301b, 301d, 301e, 302, 302a, 302b, 302d to 302h, 302j, 307a, 308, 308b, 308c, 308g to 308i, 309, 312, 312b, 314 to 319, and 321 to 327 of this title, sections 510, 2005, 2007, 2105, 2123, 2130a, 2173, 2200a, 4348, 6959, 9348, 16135, 16203, 16303, and 16401 of Title 10, Armed Forces, and section 182 of Title 14, Coast Guard], paragraph (3) of subsection (e) of section 303a of title 37, United States Code, as added by this subsection, shall apply to any case commenced under title 11, United States Code, after March 30, 2006.”

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-140 effective Oct. 26, 1987, and applicable to pay periods beginning on or after such date, see section 2(c) of Pub. L. 100-140, set out as an Effective Date note under section 302c of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

§ 303b. Waiver of board certification requirements

(a) **CERTIFICATION INTERRUPTED BY CONTINGENCY OPERATION.**—A member of the armed forces described in subsection (b) who completes the board certification or recertification requirements specified in section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of this title before the end of the period established for the member in subsection (c) shall be paid special pay under the applicable section for active duty performed during the period beginning on the date on which the member was assigned to duty in support of a contingency operation and ending on the date of that certification or recertification if the Secretary of Defense determines that the member was unable to schedule or complete that certification or recertification earlier because of that duty.

(b) **ELIGIBLE MEMBERS DESCRIBED.**—A member of the armed forces referred to in subsection (a) is a member who—

(1) is a medical or dental officer or a nonphysician health care provider;

(2) has completed any required residency training; and

(3) was, except for the board certification requirement, otherwise eligible for special pay

under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of this title during a duty assignment in support of a contingency operation.

(c) **PERIOD FOR CERTIFICATION.**—The period referred to in subsection (a) for completion of board certification or recertification requirements with respect to a member of the armed forces is the 180-day period (extended for such additional time as the Secretary of Defense determines to be appropriate) beginning on the date on which the member is released from the duty to which the member was assigned in support of a contingency operation.

(Added Pub. L. 102-190, div. A, title VI, §635(a), Dec. 5, 1991, 105 Stat. 1382.)

OPERATION DESERT STORM DUTY ASSIGNMENTS

Pub. L. 102-25, title III, §305, Apr. 6, 1991, 105 Stat. 82, provided that:

“(a) **CERTIFICATION INTERRUPTED BY OPERATION DESERT STORM.**—A member of the Armed Forces described in subsection (b) who completes the board certification or recertification requirements specified in section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of title 37, United States Code, before the end of the period established for the member in subsection (c) shall be paid special pay under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of such title (whichever applies) for active duty performed after November 5, 1990, and before the date of that certification and recertification if the Secretary of Defense determines that the member was unable to schedule or complete that certification or recertification earlier because of a duty assignment in connection with Operation Desert Storm.

“(b) **ELIGIBLE MEMBERS DESCRIBED.**—A member of the Armed Forces referred to in subsection (a) is a member who—

“(1) is a medical or dental officer or a nonphysician health care provider;

“(2) has completed any required residency training; and

“(3) was, except for the board certification requirement, otherwise eligible for special pay under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of such title during the duty assignment in connection with Operation Desert Storm.

“(c) **PERIOD FOR CERTIFICATION.**—The period referred to in subsection (a) for completion of board certification or recertification requirements with respect to a member of the Armed Forces is the 180-day period (extended for such additional time as the Secretary of Defense determines to be appropriate) beginning on the date that the member is released from the duty to which the member was assigned in connection with Operation Desert Storm.”

§ 304. Special pay: diving duty

(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who is entitled to basic pay is entitled to special pay, in the amount set forth in subsection (b), for periods during which the member—

(1) is assigned by orders to the duty of diving;

(2) is required to maintain proficiency as a diver by frequent and regular dives; and

(3) either—

(A) actually performs diving duty while serving in an assignment for which diving is a primary duty; or

(B) meets the requirements to maintain proficiency as described in paragraph (2)